

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/661,558 Confirmation No.: 9049

Applicant(s) : Qingbo Li et al.

Filed : September 15, 2003

For : **DENATURANT-FREE  
ELECTROPHORESIS OF  
BIOLOGICAL MOLECULES UNDER  
HIGH TEMPERATURE  
CONDITIONS**

Customer No. : 22896

**STATEMENT UNDER 37 CFR 3.73(b)**


Under 37 C.F.R. Section 3.73(b) APPLIED BIOSYSTEM, LLC. states that it is the owner of 100% of the entire right, title and interest in U.S. Patent Application no. 10/661,558 identified by virtue of:

1. An Assignment from the inventors Kevin J. Levan and Heidi Monroe to SpectruMedix LLC recorded in the Patent and Trademark Office at Reel 015058, Frame 0029.
2. An Employee Confidentiality and Non-Competition Agreement by Qingbo Li in favor of Premier American Technologies Corporation ("PATCO") recorded in the Patent and Trademark Office at Reel 013932, Frame 0530.
3. An Action by Unanimous Written Consent of the Board of Directors of Premier American Technologies Corporation ("the Action"), dated 11 March 1997 and resolving that the name of PATCO be changed to SpectruMedix Corporation, recorded in the Patent and Trademark Office at Reel 015003, Frame 0966.
4. An Assignment from SpectruMedix Corporation to SpectruMedix LLC, recorded in the Patent and Trademark Office at Reel 014465, Frame 0117.
5. An Assignment from ChangSheng Liu and Qingbo Li to SpectruMedix Corporation, recorded in Patent and Trademark Office at Reel 011768, Frame 0864.
6. An Assignment from SpectruMedix Corporation to SpectruMedix LLC, recorded in the Patent and Trademark Office at Reel 013663, Frame 0939.

7. An Assignment from SpectruMedix LLC to Applera Corporation, recorded in the Patent and Trademark Office at Reel 019965, Frame 0081.
8. A merger and name change document of Applera Corporation and Applied Biosystems Group to Applied Biosystems Inc., a copy of which is attached.
9. A merger document of Applied Biosystems Inc. and Atom Acquisition Corporation to Applied Biosystems Inc., a copy of which is attached.
10. A merger and name change document of Applied Biosystems Inc. and Atom Acquisition, LLC to Applied Biosystems, LLC, a copy of which is attached.

The undersigned is authorized to act on behalf of the Assignee. The undersigned hereby ratifies all prior acts during prosecution of the above-identified patent application.

Date: January 6, 2009

  
Joseph Secondine  
Corporate Secretary

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"ATOM ACQUISITION CORPORATION", A DELAWARE CORPORATION,  
WITH AND INTO "APPLIED BIOSYSTEMS INC." UNDER THE NAME OF  
"APPLIED BIOSYSTEMS INC.", A CORPORATION ORGANIZED AND EXISTING  
UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED  
IN THIS OFFICE THE TWENTY-FIRST DAY OF NOVEMBER, A.D. 2008, AT  
12:24 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE  
NEW CASTLE COUNTY RECORDER OF DEEDS.



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You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6981364

DATE: 11-21-08

**STATE OF DELAWARE  
CERTIFICATE OF MERGER OF  
ATOM ACQUISITION CORPORATION  
(A DELAWARE CORPORATION)  
WITH AND INTO  
APPLIED BIOSYSTEMS INC.  
(A DELAWARE CORPORATION)**

Pursuant to Title 8, Section 251(c) of the Delaware General Corporation Law (the "DGCL"), the undersigned corporations executed the following Certificate of Merger:

**FIRST:** The name of the surviving corporation is Applied Biosystems Inc., a Delaware corporation (the "Surviving Corporation"), and the name of the corporation being merged into this surviving corporation is Atom Acquisition Corporation, a Delaware corporation (the "Merging Corporation").

**SECOND:** The Agreement and Plan of Merger dated as of June 11, 2008, as amended on September 9, 2008 and October 15, 2008 (as amended, the "Merger Agreement"), by and among Invitrogen Corporation, a Delaware Corporation ("Parent"), Atom Acquisition, LLC, a Delaware limited liability company and a direct and wholly-owned subsidiary of Parent ("Acquisition Sub"), the Surviving Corporation and the Merging Corporation, a direct wholly-owned subsidiary of Acquisition Sub, has been approved, adopted, certified, executed and acknowledged by the Surviving Corporation and the Merging Corporation in accordance with Section 251 of the DGCL.

**THIRD:** The name of the surviving corporation is Applied Biosystems Inc.

**FOURTH:** The Amended and Restated Certificate of Incorporation of the Surviving Corporation shall be amended pursuant to the merger to read in its entirety as set forth in Exhibit A attached hereto.

**FIFTH:** An executed copy of the Merger Agreement is on file at the principal place of business of the Surviving Corporation at the following address: 301 Merritt 7, Main Avenue (old U.S. Route 7), Norwalk, Connecticut 06851.

**SIXTH:** A copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of either the Surviving Corporation or the Merging Corporation.

**SEVENTH:** The merger shall become effective as of the time of filing hereof in the office of the Secretary of State of the state of Delaware.

[Signature Page Immediately Follows]

IN WITNESS WHEREOF, the undersigned have executed and acknowledged this Certificate of Merger as of November 21, 2008.

Atom Acquisition Corporation

By: John A. Cottingham  
Name: John A. Cottingham  
Title: Secretary

Applied Biosystems Inc.

By: \_\_\_\_\_  
Name: William B. Sawch  
Title: Senior Vice President and General  
Counsel

IN WITNESS WHEREOF, the undersigned have executed and acknowledged this Certificate of Merger as of November 21, 2008.

**Atom Acquisition Corporation**

By: \_\_\_\_\_  
Name: John A. Cottingham  
Title: Secretary

**Applied Biosystems Inc.**

By: WBSawch  
Name: William B. Sawch  
Title: Senior Vice President and General  
Counsel

**EXHIBIT A**

**AMENDED AND RESTATED CERTIFICATE OF INCORPORATION  
OF  
APPLIED BIOSYSTEMS INC.**

**FIRST:** The name of the corporation is:

Applied Biosystems Inc. (hereinafter called the "Corporation").

**SECOND:** The address of its registered office in the State of Delaware is 1209 Orange Street, Wilmington, Delaware 19801 in the County of New Castle. The name of its registered agent at such address is The Corporation Trust Company.

**THIRD:** The nature of the business or purposes to be conducted or promoted by the Corporation are to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

**FOURTH:** The Corporation is authorized to issue one class of stock, to be designated "Common Stock," with a par value of \$0.01 per share. The total number of shares of Common Stock that the Corporation shall have authority to issue is 3,000.

**FIFTH:** The business and affairs of the Corporation shall be managed by or under the direction of the Board of Directors. In addition to the powers and authority expressly conferred upon them by statute or by this Certificate of Incorporation or the Bylaws of the Corporation, the directors are hereby empowered to exercise all such powers and do all such acts and things as may be exercised or done by the Corporation. Election of directors need not be by written ballot, unless the Bylaws so provide.

**SIXTH:** The Board of Directors is authorized to make, adopt, amend, alter or repeal the Bylaws of the Corporation.

**SEVENTH:** The sole stockholder of the Corporation is Atom Acquisition, LLC. The sole stockholder shall also have power to make, adopt, amend, alter or repeal the Bylaws of the Corporation.

**EIGHTH:** To the fullest extent permitted by the Delaware General Corporation Law, as the same exists or may hereafter be amended, a director of the Corporation shall not be personally liable to the Corporation or its sole stockholder for monetary damages for breach of fiduciary duty as a director. Any repeal or modification of the foregoing provisions of this Article EIGHTH by the sole stockholder of the Corporation shall not adversely affect any right or protection of a director of the Corporation existing at the time of, or increase the liability of any director of the Corporation with respect to any acts or omissions occurring prior to, such repeal or modification.

# Delaware

PAGE 1

## *The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"APPLIED BIOSYSTEMS INC.", A DELAWARE CORPORATION,  
WITH AND INTO "ATOM ACQUISITION, LLC" UNDER THE NAME OF  
"APPLIED BIOSYSTEMS, LLC", A LIMITED LIABILITY COMPANY ORGANIZED  
AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS  
RECEIVED AND FILED IN THIS OFFICE THE TWENTY-FIRST DAY OF  
NOVEMBER, A.D. 2008, AT 12:25 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE  
NEW CASTLE COUNTY RECORDER OF DEEDS.



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You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6981372

DATE: 11-21-08



**STATE OF DELAWARE  
CERTIFICATE OF MERGER OF  
APPLIED BIOSYSTEMS INC.  
(A DELAWARE CORPORATION)  
WITH AND INTO  
ATOM ACQUISITION, LLC  
(A DELAWARE LIMITED LIABILITY COMPANY)**

Pursuant to Title 8, Section 264(c) of the Delaware General Corporation Law (the "DGCL") and Title 6, Section 18-209 of the Delaware Limited Liability Company Act (the "DLLCA"), the undersigned limited liability company executed the following Certificate of Merger:

**FIRST:** The entities participating in the merger herein certified (the "Merger") are: (1) Atom Acquisition, LLC, a Delaware limited liability company ("Atom Acquisition"); and (2) Applied Biosystems Inc., a Delaware corporation ("Applied Biosystems").

**SECOND:** The Agreement and Plan of Merger dated as of June 11, 2008, as amended on September 9, 2008 and October 15, 2008, (as amended, the "Merger Agreement") by and among Invitrogen Corporation, a Delaware Corporation ("Parent"), Atom Acquisition, a direct and wholly-owned subsidiary of Parent, Atom Acquisition Corporation, a Delaware corporation and a direct wholly-owned subsidiary of Atom Acquisition, and Applied Biosystems, has been approved, adopted, certified, executed and acknowledged in accordance with Sections 18-204 and 18-209 of the DLLCA, in the case of Atom Acquisition, and Sections 103 and 264 of the DGCL, in the case of Applied Biosystems.

**THIRD:** The surviving company in the Merger is Atom Acquisition, which will continue its existence as the surviving company pursuant to the provisions of the DLLCA.

**FOURTH:** The current name of the company is Atom Acquisition, LLC, and the name of the surviving company shall be Applied Biosystems, LLC.

**FIFTH:** The Certificate of Formation of the surviving company shall be adopted as its Certificate of Formation.

**SIXTH:** The Merger Agreement is on file at c/o Invitrogen Corporation, 5781 Van Allen Way, Carlsbad, California 92008, the place of business of the Sole Member of the surviving company.

**SEVENTH:** A copy of the Merger Agreement will be furnished by the surviving company, on request and without cost, to any member of Atom Acquisition or stockholder of Applied Biosystems.

**EIGHTH:** The merger shall become effective as of the time of filing hereof in the office of the Secretary of State of the state of Delaware.

[Signature Page Immediately Follows]

IN WITNESS WHEREOF, the undersigned have executed and acknowledged this Certificate of Merger as of November 21, 2008.

Atam Acquisition, LLC

By: Invitrogen Corporation, as its Sole Member

By: 

Name: John A. Cottingham

Title: Senior Vice President,  
General Counsel and Secretary